

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762)	WT Docket No. 06-150
and 777-792 MHz Bands)	
)	
Implementing a Nationwide,)	PS Docket No. 06-229
Broadband, Interoperable Public)	
Safety Network in the 700 MHz)	
Band)	

**Comments of the National Regional Planning Council
Second Notice of Proposed Rulemaking**

National Regional Planning Council Introduction

The National Regional Planning Council (NRPC) is a national community of fifty five 800 MHz Regional Planning Committees and fifty five 700 MHz Regional Planning Committees (RPCs), whose affiliation is linked to states and US Territories. Our mission is to serve all Public Safety Communications Users through spectrum planning and management services for their spectrum needs. The NRPC offers its comments through the resources of our organization and the collaborative efforts of the 110 RPCs, in an effort to assist the Federal Communications Commission (FCC or Commission) with public safety communications issues as well as regional planning issues.

The NRPC realizes that in certain regions the RPCs empowered by the Commission to provide resource planning and promote the efficient use of the 700 and 800 MHz bands rely mostly on its volunteer efforts, which can become dormant and ineffective with the end result being regions unable to perform their basic spectrum planning duties. To ensure Commission sponsored regional planning is never perceived by either the user community or the Commission as an impediment to effective public safety spectrum utilization in any region, the NRPC serves as an outreach mechanism and a sounding board to the national regional planning community and the Commission in meeting their fundamental duties.

As an organization, NRPC will comment on Commission proceedings when the need arises to address particular regional planning issues should a majority of 110 regions feel strongly on the issues, but we will also encourage the individual regions with differing opinions to provide their own perspective on those issues. The NRPC was not formed to reach consensus on issues within the RPC community but to increase the awareness and amplify each region's voice as they represent their needs and concerns.

Finally, while we believe costs associated with such RPC support will be minimal, we neither anticipate nor intend a Commission endorsement of the NRPC acting in support of the 110 regional planning committees to have a fiscal impact on the Commission. We are confident that

the support of regional, state and local public safety spectrum planning will be funded by those parties interested in hearing the voices of regional planners across the country.

Table of Contents:

1. Overview of issues and concerns
 2. Eligibility Issues and concerns
 3. PSBL Membership
 4. Reconfiguration Funding
 5. Interoperability
 6. STATE Involvement
 7. EMERGENCY Definition
-

1. OVERVIEW OF ISSUES AND COMMENTS:

Many of the RPCs have been involved in the development of the public safety 700 MHz process since its inception. We believe the Commission's bold, innovative approach in identifying the need for a single nationwide license to promote the development of a nationwide interoperable public safety broadband network is timely and can lead to a new dimension of public safety cooperation and functionality while accessing cost effective and efficient technology, a benefit not historically available to public safety.

The NRPC also believes that an adjustment to the terrestrial build out requirements should migrate to the lower threshold of 95% of the US population over a 10 year period rather than the previously identified level of 99.3%. The NRPC request the Commission's action to reconsider the system build-out timeline suggested by the NRPC; due to the public private partnership concept being one of merit and one requiring a long-term system coverage build-out that may not be financially viable to the wireless community. The higher 99.3 % build out threshold may cause the concept of a public/private partnership to never be realized. With commercial wireless operations today already covering approximately 90% of the US population base, this would be a good starting point with a goal of adequate broadband coverage over 95% of the US population within the 10 year license term.

NRPC also believes that individual agencies should not be required to subscribe to the new network. Whether or not an agency utilizes the new network should be up to the individual public safety department to determine if these services are necessary for their agency. For example, public safety agencies should not be required by regulations to purchase a minimum number of minutes. If a local public safety entity elects not to subscribe to the new network, we would request the Commission's consideration to not develop regulatory rules that impose any

obligations on the agency based on the availability of any government grant monies or any monies, regardless of origin.

NRPC request the Commission's consideration to require the PSBL to be a non-profit organization. Our request for action by the Commission on this issue is based on our belief that no commercial interest should hold this Public Safety Broadband Licensee, and no commercial interest should participate in the management of the licensee. We further believe that the PSBL should have the ability to hire any private entities they deem necessary (engineers, attorneys, project managers, etc.) to fulfill their obligations as the Public Safety National Licensee.

The licensee should be as broadly representative of the public safety radio user community as possible. NRPC feels strongly that its representation on the PSBL is necessary to provide a state and local user perspective to other member organizations as well as the PSBL as a whole.

Restrictions on financing the PSBL are warranted to ensure that the Public Safety Broadband Licensee is not influenced by for-profit motives or outside commercial influences in carrying out its official functions within the 700 MHz Public/Private Partnership.

The D Block licensee should be required to pay all costs identified as necessary with regard to the Public Safety Broadband Licensee's administrative costs. In addition, congressionally allocated funding or funding directed towards the PSBL by the Commission could also be used until a successful auction and a D Block winner was identified and could provide funding to the PSBL.

2. ELIGIBILITY:

The PSBL should limit spectrum access to entities with connection to public safety. The principal purpose of the spectrum should remain for public safety use. In addition, the PSBL should provide network access only to public safety entities that have as their principal purpose the protection of safety of life, health or property. All governmental services, including federal and military, should be eligible. This would generally include all §90.20 eligibles, excepting those that are businesses without an emergency response function.

The D Block licensee should be permitted to use the entire 20 MHz of shared spectrum for commercial service where and when it is not in use by public safety as long as public safety retains real time priority usage of the public safety spectrum.

3. PSBL MEMBERSHIP

The NRPC request the Commission's action to name the National Regional Planning Council (NRPC) as a full voting member organization on the Public Safety Broadband Licensee (PSBL). A NRPC representative on the PSBL would also be able to provide a perspective on the 700 MHz narrowband reallocation issue and transition as well as the necessary coordination aspects required between local 700 MHz users and the PSBL within a certain community. Also, the 110 RPCs through their NRPC representative on the PSBL, can contribute to the effectiveness and coordinated use of the 1 MHz Guard Band between 768-769-798-799 MHz as managed by the PSBL. The NRPC believes that providing the PSBL with the viewpoint of local municipal and county agencies with regard to the management of this guard band resource will be beneficial to the effectiveness and efficiencies of the 700 MHz narrowband implementations as overseen by the RPCs.

Given the experience that the NRPC and the 110 RPCs have in state, regional and local 700 MHz and 800 MHz initiatives, the NRPC and the 110 RPCs were concerned that the Commission did not consider appointing a representative from the regional planning community at large to serve on the PSBL to provide a focused on the end-user perspective. We believe the concept of a single nation licensee is a viable one. With their scope of local public safety system use and development combined with experience in 800 MHz and 700 MHz spectrum planning at the local level, the RPCs are a good fit to advise the PSBL on issues related to the end-user needs, data system coverage and other mission critical elements of public safety communications systems. Having regional planning representation on the PSBL would be an asset to the mission of the PSBL, for which the Commission should consider as a beneficial addition to the PSBL.

4. RECONFIGURATION FUNDING

NRPC is concerned that the 700 MHz narrowband proposed funding allocations may be insufficient and that the February 17, 2009 deadline for the completion of rebanding existing systems is premature due to the failed auction. The NRPC request Commission action to consider extending the timeline, and consider elimination any funding cap on 700 MHZ narrowband reconfiguration for existing certified licensees.

In addition, the NRPC believes the reconfiguration deadline of February 17, 2009 established for existing 700 MHz licensees/users is premature given the lack of a D Block licensee from the previous auction and the subsequent delay in establishing a network sharing agreement between the D Block winner and the PSBL. We further believe that more time should be provided to current users of the narrowband spectrum to adopt the new 700 MHz public safety band plan. While only a small percentage of the nation's public safety communications systems operate in

the 700 MHz band at this time, the Commission should note that the requirement to modify their existing systems to adhere to the new 700 MHz band plan is a major undertaking for those agencies and they should not incur any costs associated with this band reconfiguration. Once a D Block licensee is in place, a new deadline should be established that provides adequate time for reconfiguration.

The uncertainties associated with the previous auction that resulted in no D block winner continue to lend uncertainty in the user community as to the viability of the band and will continue to make an agency considering the 700 MHz band hesitate when developing such a system. With the 800 MHz rebanding still in process, many felt that the 700 MHz band would be an opportunity, where the band is not encumbered, to utilize this new spectrum for new radio system development. Unfortunately, the 700 MHz band reconfiguration has contributed a great deal of uncertainty in the current viability of the band. The Commission should consider the removal of this band plan uncertainty as soon as possible and solidify in their rules that, for those agencies that certified their 700 MHz systems are in operation in the fall of 2007, the costs of reconfiguring these systems to comply with the new 700 MHz band plan will not be the responsibility of the agency.

5. INTEROPERABILITY

NRPC requests Commission action on clarification as to how it perceives interoperability, voice and data, will be achieved within the nationwide public safety broadband network? NRPC is concerned that the many interpretations of the different elements the Commission has associated with this new nationwide network, including broadband capabilities and interoperability establish an unclear vision of necessary network capabilities and elements.

In this instance, is the Commission defining interoperability on a national level or one based on community developed interoperability? Does the Commission intend that this broadband network should be designed to eventually replace public safety narrowband radio systems, 700 MHz or otherwise, in a broadband, non-channelized environment utilizing Internet Protocol (IP)? What conditions should public safety strive for with regard to data interoperability, which has not been identified, developed or focused to the degree that voice interoperability has since the terror attacks of September 11, 2001? NRPC has concerns that the many interpretations of the different elements the Commission has associated with this new nationwide network, including broadband capabilities and interoperability has established an unclear vision of necessary network capabilities and elements to achieve interoperability as viewed by the local users.

6. STATE INVOLVEMENT

NRPC believes that States should be utilized in the development of a nationwide public safety broadband network to the degree each state wants to assist and utilize its resources. We request Commission action to NOT impose any mandates on states to facilitate, administer or promote any element associated with a nationwide public safety broadband network. It is suggested that States, be allowed to offer their individual outreach mechanisms and capabilities to the PSBL to ensure system effectiveness, degrees of service and to ensure timelines for build-out are met.

7. EMERGENCY DEFINITION

NRPC feels it necessary to provide clarity to the Commission on its questions and regarding its definition of an emergency in its Second Notice of Proposed Rule Making. In this context,

additional capacity being allocated to a local agency does not always infer the public safety use of commercial D block spectrum. In addition, NRPC feels the Commission should outline mechanisms that need to be put in place to ensure local agencies know their day-day data capacity per user, a correlation of what that capacity can deliver in the form of each application being used and the amount of additional bandwidth applications require, per user.

In Conclusion, the NRPC has reviewed and considered all of the questions posed in the Second Notice of Proposed Rulemaking above referenced notice by the FCC and has chosen to comment only on those issues and topics which most concern the 110 US Regional Planning Committees and their prospective end-users.

The NRPC believes it has much to offer the proposed process through the collective years of firsthand experience with 800 MHz regional plan management and now with the 700 MHz plan management. Given the opportunity, the NRPC and the 110 US Regional Planning Committees stand ready to serve.

Respectfully Submitted,

/s/ *Alan Bull*

Alan Bull, Chairperson
National Regional Planning Council
Knoxville, Tennessee